

Appl. No.: 09/868,549
Response dated Sept. 19, 2003
Reply to Office action of June 20, 2003

Remarks

Favorable consideration and allowance of the instant application is respectfully requested in view of the following remarks.

Claims 10-23 are pending in this application.

The Examiner's rejections, as they pertain to the patentability of the claims, are respectfully traversed.

Claims 10-23 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Brouwer et al. (US 6,080,711). This rejection is respectfully traversed for the following reasons.

Briefly stated, the present invention is directed to a surfactant composition containing from about 75 to 97% by weight of a fatty alcohol sulfate, and from about 3 to 25% by weight of an olefin sulfonate. It has been surprisingly discovered that by employing the claimed amount of olefin sulfonate, enhanced solubility of fatty alcohol sulfates, even at low water temperatures, is realized.

Initially, Applicant would like to note that in order to establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the references or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based on applicant's disclosure [underline emphases added]. See, *Manual of Patent Examining Procedure*, Rev. 3, July 1997, section 2142, pages 2100-108.

Applicant respectfully submits that the Brouwer reference fails to render the claimed invention *prima facie* obvious on the grounds that it fails to teach or suggest all of the claim

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limitations. More particularly, the Brouwer reference fails to teach or suggest the claimed weight percentages of fatty alcohol sulfate and olefin sulfonate and, as a result, should not be relied upon to establish *prima facie* obviousness against the present invention. As is disclosed in the application, and evidenced in Applicant's examples, it has been surprisingly discovered that the use of the claimed amounts of sulfates and sulfonates yields a product having enhanced solubility properties. Nowhere within the four corners of the Brouwer reference is this discovery taught and/or suggested.

Moreover, with respect to the Brouwer's teaching regarding the use of olefin sulfonates in its composition, said olefin sulfonates are taught as being one of numerous possible anionic surfactants which may be employed. Nowhere does Brouwer teach or suggest either: (1) that the presence of olefin sulfonates is necessary, and (2) that their presence, in the claimed amount, renders the resultant composition more soluble, even in cold water. To further stress this point, Applicant would like to note that in *Ex parte Wittpenn*, 16 USPQ2d 1730 (BPAI 1990), the Examiner had rejected an Applicant's claims on the grounds that all of the claimed components were disclosed in a prior art reference (Roggenkamp). In that case it was found that although the prior art contained all elements of the Applicant's invention, the prior art indicated no preference for any particular component of one of the elements, i.e., the nonionic surfactant. The Board there held that, "... since we have been apprised of no disclosure within the Roggenkamp reference that would have led the routineer to make the **critical** selections to arrive at the claimed surfactant composition, we find that no *prima facie* case of obviousness has been established and that the rejection before us cannot be sustained." *Id.* at 1731 (emphasis added). Here too, Brouwer contains no disclosure which would motivate the routineer to wish to employ an olefin sulfonate, in particular, rather than any of the other numerous anionic candidates, and in the claimed amount.

Accordingly, for all of the above-stated reasons, reconsideration and withdrawal of

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this rejection is respectfully requested.

Claims 16-23 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Okumura et al. (US 4,140,657). This rejection is respectfully traversed for the following reasons.

The process aspect of the present invention relates to the making of surfactant granules, whereby an **aqueous paste** of fatty alcohol sulfate is mixed with an olefin sulfate to form a surfactant mixture, which is then **simultaneously dried and granulated** to form the surfactant granule product.

Once again, as was noted above, it is well settled that in order to establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the references or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based on applicant's disclosure [underline emphases added]. See, *Manual of Patent Examining Procedure*, Rev. 3, July 1997, section 2142, pages 2100-108.

Applicant here, too, respectfully submits that the Okumura reference fails to render the claimed invention *prima facie* obvious on the grounds that it fails to teach or suggest all of the claim limitations. More particularly, the Okumura reference fails to teach or suggest the combination of an aqueous sulfate with an olefin sulfate and the simultaneous drying and granulating thereof. Contrary to the Examiner's assertion, the process does not involve merely combining a sulfate and sulfonate and then granulating the combination.

Rather, as was noted above, the process involves mixing an **aqueous paste** of fatty alcohol sulfate with an olefin sulfate to form a surfactant mixture, followed by the

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simultaneous drying and granulation of the mixture to form the surfactant granule product. Nowhere within the four corners of the Okumura reference are these process steps either taught or suggested. As a result, this reference should not establish a prima facie case of obviousness against the claimed invention.


Accordingly, for all of the above-stated reasons, reconsideration and withdrawal of this rejection is respectfully requested.

It is believed that the foregoing reply is completely responsive under 37 CFR 1.111 and that all grounds for rejection are completely avoided and/or overcome. Applicant respectfully requests that a timely Notice of Allowance be issued in this case.

The Examiner is requested to telephone the undersigned attorney if any further questions remain which can be resolved by a telephone interview.

Respectfully submitted,

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